UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AMONTRÉ O'BRIAN ROSS,

                    Plaintiff,

v.   Case No. 19-CV-622-JPS

MATTHEW KELLNER and
UNKNOWN PUBLISHER,   **ORDER**

                    Defendants.

On April 30, 2019, plaintiff Amontré O'Brian Ross filed a *pro se* complaint alleging that his former teacher, defendant Matthew Kellner, wrongfully retained a set of poems that Plaintiff wrote in the fifth grade, with an intent to capitalize off of them. (Docket #1). Plaintiff also filed a motion for leave to proceed *in forma pauperis*. (Docket #2). The case was randomly assigned to Magistrate Judge William E. Duffin. The magistrate drafted a report and recommendation, in which he determined that Plaintiff was indigent for the purpose of proceeding without prepayment of the filing fee. (Docket #7). However, the magistrate also determined that Plaintiff did not state a cognizable claim because there were no facts suggesting that his former teacher ever published the poems for profit. (Docket #8). Moreover, even if Plaintiff had stated a cognizable claim, it would be barred by a three-year statute of limitations. *See* 17 U.S.C. § 507(b).

Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Civil Procedure 72(b), the parties were advised that written objections to the magistrate's recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

(Docket #8 at 5). To date, no party has filed such an objection. The Court has considered Magistrate Judge Duffin's recommendation and, having received no objection thereto, will adopt it.
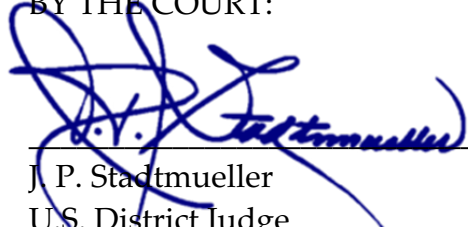
Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #8) be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED** without prejudice.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 13th day of June, 2019.

BY THE COURT:

J. P. Stadtmueller
U.S. District Judge